IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 2017 (SS) OF 2005

1. Satish Chandra Sharma,
son of Shri Narayan Sharma,
Non- Medical Assistant
Additional Primary Health Centre,
Jwalapur, Haridwar.
2. Devendra Singh,
son of Shri Surja Singh,
Non-medical Assistant,
Community Health Centre,
Narsan, District Haridwar.
3. Vijay Kumar,
son of Shri Jagdish Pal Singh,
Non-Medical Assistant,
Sub Centre, Lahboli, Block Narsan,
District-Haridwar.
4. Frankleen Victor Richards,
son of Shri F.A. Richards,
L.D.C., Office of Chief Medical Officer,
Haridwar.
5. Satish Kumar Sharma,
son of Late Ramji Lal,
L.D.C., Office of District Leprosy Officer,
Haridwar.
6. Smt. Bhagwana,
Wife of Shri Manoj Rawat,
L.D.C., Office of Chief Medical Superintendent
Govt. Joint Hospital,
Roorkee, District – Haridwar.
7. Smt. Reeta Rani Ahuja,
Wife of Shri Bharar Bhushan,
Staff Nurse
Community Health Centre,
Narsan, District Haridwar.
8. Smt. Rajesh Devi,
Wife of Shri Dinesh Kumar,
Staff Nurse,
Community Health Centre, Narsan,
District-Haridwar.
9. Pradeep Kumar Singh,
Son of Shri Jay Ram Singh,
Pravar Sahayak, Chief Medical Office, Haridwar
District Haridwar. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary Medical Health, Dehradun.
2. Director General,
Medical Health and Familty Welfare,
Uttaranchal, Dehradun.
3. State of U.P., through Secretary,
Medical Health, Secretariat,
Lucknow.
4. Director General,
Medical Health Services,
Uttar Pradesh, Lucknow.
5. Union of India, through Director (S.R.)
Ministry of Personnel, Grievance and Pensions,
Lok Nayak Bhawan Khan Market,
New Delhi.
6. State Advisory Committee,
Government of India, Ist Floor Gate No. 31,
Jawahar Lal Nehru Stadium New Delhi,
Through its Chairman. .....Respondents.

23.12.2005

Hon'ble Justice Rajesh Tandon, J.

Heard Sri Ambarsh Chatterji, learned counsel for the petitioners and learned Standing Counsel for the State.

By the present writ petition, the petitioners have prayed for a writ of mandamus directing the respondent no. 1 and 2 to relieve the petitioners for the State of U.P. without further delay.

Brief facts giving rises to the present writ petition are that all the petitioners were appointed by the Director General, Medical Health and Family Welfare, Dehradun and are Class III employees working in District Haridwar. Petitioners no. 1, 2 and 3 are working as Non-Medical Assistant, Petitioner No. 4, 5 and 6 are working as Lower Divisional Clerk, Petitioners nos. 7 and 8 are working as stiffeners and petitioner no. 9 is working as Pravar Sahayak and all the petitioners are permanent resident of State of U.P.

On formation of State of Uttaranchal, options were invited under the U.P. Reorganization Act, 2000 from the petitioners and all the petitioners submitted their options for the State of U.P.

After submission of options, the Medical Health and Family Welfare Department prepared a tentative final allocation list of employees/officer allocated to the State of U.P. A list of Non-medical Assistants was also prepared in which the names of petitioners no. 1, 2 and 3 were shown and in another list, the names of other petitioners were also included.

Thereafter on 03.07.2004, the State Government issued directions to all the Chief Secretaries / Secretary of the State to take immediate action for relieving such employees who have been placed in the tentative list.

Learned counsel for the petitioners has submitted that inspite of the letter dated 03.07.2005, the petitioners have not been relieved though several class III employees have been relieved by the respondent no. 2 and the respondents are adopting pick and choose policy in relieving the petitioners. Petitioners have submitted that some None-medical Assistants have been relieved for the State of U.P. by respondent no. 2 namely Sanjay Kumar, Rajendra Bahadur, Jaswant singh, Santosh Prasad, Sandeep Kumar Sonkar, Vinod Kumar Chaudhari, Chedi Lal Kushwaha, Nisar Ahmad, Uma Shankar, Shiv Kumar, Manveer Singh Rathore, Sanjeev Kumar, Manoj Kumar, Sanjeev Kumar, Rajnesh Trivedi, Pratap Singh, Nand Lal Singh, Raj Kumar Ram, Munni Lal, Ram Nayan Chuhan, Ajay Kumar Sharma, Ramesh Chandra Mishra, Saurabh Tripatni.

In this respect, all the petitioners approached their officers including respondent no. 2 and requested for their

relieving and in this regard, they submitted representations, which have not yet been decided.

Learned counsel for the petitioners has submitted that all the petitioners are permanent resident of State of U.P. and have opted for the State of U.P. and in view of guidelines framed for allotment, the petitioners are entitled for allotment of the State of U.P.

Learned counsel for the petitioners has further submitted that in view of the Government Order dated 03.07.2004, the respondents no. 1 and 2 are bound to relieve the petitioners for State of U.P. without delay.

In these circumstances, it will be just and proper to direct the respondent no. 3 i.e. Secretary, Medical Health, Dehradun to settle the dispute of allocation and also to direct both the State Governments to relieve all the petitioners to the State, which is allotted to them at the earliest.

The Director General, Medical Health and Family Welfare, Uttaranchal, Dehradun respondent no.2 is also directed to relieve the petitioners as and when it is possible for the State.

With these directions, the writ petition is finally disposed of. No orders as to costs.

(Rajesh Tandon, J.)

23rd December, 2005
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